

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 18836 of 2016

Date of Decision: 9.9.2016

Sahil Bajaj and others

....Petitioners.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. Jagdish Manchanda, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. Through the instant writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of mandamus directing the respondents to allot the plots of 12'x27-1/2' size to them as per the scheme framed or to refund the amount along with interest deposited by the petitioners at the time of allotment of plot on 14.6.2010. Further, a direction has been sought to the respondents to decide the representations made by the petitioners individually recommended by respondent No.3 to consider the same within a time bound manner.

2. The petitioners were allotted the plots in Lakkad Mandi, Jagadhri, District Yamuna Nagar. Earlier, the petitioners were doing their business on Jagadhri-Chhachhrauli Road, National Highway and an assurance was given that the amenities would be provided in New Lakkad

Mandi and the licenses had been given to all the persons who were doing the business of wood. The petitioners had been allotted plots of size 20'x50' against the cost as mentioned in the allotment letter dated 14.6.2010 (Annexure P-1) issued to petitioners No.4 and 5. As per column No.7 of the allotment letter, it had been specifically mentioned therein that the possession of the plot shall be offered to the allottee within a period of 30 days from the date of issue of the allotment letter. However, no offer of possession has been given till today. Even no amenities have been provided in the Lakkad Mandi by the respondents. Respondent No.2 has changed the policy as the petitioners had already taken part in the auction proceedings and got the plots. The respondents have carved out the plots which were to be given on rental accommodation at New Lakkad Mandi. The petitioners have moved an application to respondent No.2 that they are carrying their business of sale and purchase of timber at Timber Market situated at Jagadhri-Chhachhrauli Road and as per the direction of respondent No.2, open auction was held for the shops to be developed as Timber Market at Manakpur-Jagadhri and the present petitioners took part in the said auction held on 11.5.2010 and were allotted the plots. The amenities have not been provided and the amount along with interest and penal interest was being demanded by the respondents. Accordingly, the petitioners moved the representations including the representation dated 19.8.2013 (Annexure P-2) to respondent No.2 either to allot the plots or to refund the amount along with interest, but to no effect. Two petitions bearing CWP Nos. 8576 and 13713 of 2010 were filed for quashing the auction held on 11.5.2010. This Court vide order dated 7.5.2013 (Annexure P-3) disposed of both the writ petition with a direction that in case the petitioners file application for the

allotment of the designated rental platforms, as per the aforesaid conditions, the Marketing Board will consider their claim, as per law. To adjust the maximum traders, the respondents have framed a policy to reduce the size of the plot. Respondent No.3 had written letter dated 3.10.2013 (Annexure P-4 Colly written to petitioners No.4 and 5) to all the plot holders as well as to all the commission agents who have been allotted the plots. Respondent No.3 has sent a letter dated 3.12.2013 (Annexure P-5) to respondent No.2 that the commission agents are ready for exchange of their plots into size 12'x27½' and undertaking has been given by them. The allotment of small size plot has not been finalized till date but the demand of interest has been made from the petitioners. The 48 plot holders of Timber Market have already submitted their undertaking to reduce the size of plot which was sent to respondent No.2 vide letter dated 31.12.2013 and the request was made for early decision but no decision has been taken in favour of the petitioners. Respondent No.3 wrote a letter dated 2.7.2014 (Annexure P-6) to respondent No.2 regarding construction of designated rental platforms as per the approved layout plan. Respondents No.2 and 3 had made demand of interest over the installment of the plot allotted to the present petitioners in the year 2010. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have made representations including the representation dated 19.8.2013 (Annexure P-2) moved by petitioner No.4, to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the

case, we dispose of the present petition by directing respondent No.2 to take a decision on the representation dated 19.8.2013 (Annexure P-2) and other similar representations moved by the petitioners, in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

September 9, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No